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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/658,713

09/09/2003

Thomas J. Connor

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07/26/2006

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EXAMINER

JOERGER, KAITLIN S

ART UNIT

PAPER NUMBER

3653

DATE MAILED: 07/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/658,713

Applicant(s)

CONNOR ET AL.

Examiner

Kaitlin S. Joerger

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10, 11, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by JP

01181654 A.

The JP '654 patent teaches a system for de-skewing media when using and automatic media feeder, the system comprising a registration guide, 101; and a registration tab, 13, to deflect an edge of the media toward the registration guide. The registration guide comprises an end of the platen, 100. The registration tab, 13, comprises a sloped surface, 13a, presented to an edge of media when the media moves by the registration tab toward the registration guide. The registration tab is movable to retract when the media is moved past the tab away from the guide and to remain extended when the media is move toward the guide, see figures 2a and 2b. The registration tab moves about a pivot, 13b. The tab is disposed in a lid portion of a host system, and has a triangular shape see figures 1 and 2, where the host system comprises an optical scanner, not shown, see attached abstract.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01181654 A.

While the JP '654 patents does not specifically teach that the media comprises photographic media, it does teach that the media comprises sheet media. Sheet media is a broad recitation and therefore photographic media is encompassed in the recitation of sheet media.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use photographic media with the de-skewing system taught by the JP '654 patent if one desired to be able to photocopy and scan photographs.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01181654 A in view of Silver berg, 4,634,112.

The JP '654 patent teaches rollers, 11, to provide translation of the media, he does not teach a feed belt. Nor does he teach a vacuum cooperating with a feed belt for translation of the media.

Silverberg, however, does teach the use of vacuum feed belts in a document feeder that translates documents to a registration position. It would have been obvious to one of ordinary skill in the art to use the vacuum feed belts of Silverberg in place of the rollers taught by the JP '654 reference is one desired to reduce initial skew of the sheets by using belts rather than rollers, and to prevent damaging the sheets by over-driving the sheets into the registration guide.

Claims 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01181654 A.

The JP '654 patent does not explicitly teach a method for de-skewing media when using an automatic media feeder, however, the apparatus of the JP '654 patent would obviously perform the method steps of claims 16-18 and 20.

Specifically the reference teaches a registration tab, 13, disposed to cooperate with a registration guide, 101, for de-skewing media; translating media in a first direction to pass a first edge by said registration tab; deflecting a first edge toward the registration guide; and continuing to apply translation force after first edge engage the registration guide to de-skew the media. The reference further teaches translating the media in a second direction to pass a second edge and a first edge over the registration tab, allowing the tab to retract when transporting in the second direction, and locking the tab on the extended position when the media is translated in the first direction, see figures 2a and 2b. The second edge does not pass over the registration tab when the media is translated in the first direction, see figure 2a.

While the JP '654 patent does not specifically teach a method for de-skewing media, it would have been obvious to one of ordinary skill in the art to perform the method steps of claims 16-20 when using the apparatus taught by the JP '654 patent in its usual and expected fashion as the patent teaches an automatic feeder with a de-skewing apparatus that performs all of the claimed method steps.

Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 01181654 A.

The JP '654 patent teaches a automatic media feeder with an input tray, 8; a media singulator, 6; a registration tab, 13, and a media translation mechanism to cause an edge of the media to engage the registration tab, 13, which causes the media to deflect toward a registration guide, 101. The registration tab, input tray, singulator, and translation mechanism are disposed in a lid portion of the feeder, see figure 1.

While the JP '654 patents does not specifically teach that the media comprises photographic media, it does teach that the media comprises sheet media. Sheet media is a broad recitation and therefore photographic media is encompassed in the recitation of sheet media.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use photographic media with the de-skewing system taught by the JP '654 patent if one desired to be able to photocopy and scan photographs.

Response to Arguments

Applicant's arguments filed 10 May 2006 have been fully considered but they are not persuasive.

Applicant argues that the registration tab, 13, of the JP '654 reference does not deflect an edge of said media when said media passes over the registration tab, as required by claim 1. Figure 2a shows the registration tab, 13, in the retracted position and figure 2b shows the registration tab, 13, in the deflecting position. When the registration tab is in the deflecting position the sloped surface, 13a, acts on the white sheet, 9, which then acts on the original sheet, 200, to deflect the original sheet downward onto the platen and into abutting alignment with the registration guide. The white sheet, 9, is an intermediate feature to facilitate the deflection of the

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original by the registration tab, 13. Therefore, the registration tab does ultimately deflect the original.

The applicant further argues that the JP '654 does not perform the step of "continuing to apply a translation force to said media after at least a portion of said first edge engages said registration guide, the examiner disagrees and contends that the JP '654 does perform this step. The abstract teaches that the sheet is transported to the platen and then reversely fed into the registration guide 101, and that the registration tab, 13, prevents the document from be fed through and over top of the butting plate by deflecting the edge of the original 200. Therefore, if the registration tab, 13, were not used the original would be reversely fed over and beyond the registration guide, 101, indicating a continued application of translation force after the original reaches the front of the registration guide. The registration tab, 13, in cooperation with the registration guide, 101, prevents the original from being reversely translated over the guide by deflecting the edge of the original into abutment with the registration guide, and therefore is the reason that the document is not further transported by the continued translation force.

The applicant further argues that the JP '654 patent is not suitable for feeding photographic sheets. However, the examiner contends that the patent does not specifically exclude photographic sheets from the "sheet media". Since photographic sheets are a form a sheet media, the JP '654 patent does teach the feeding of photographic sheets.

Conclusion

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THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kaitlin S. Joerger whose telephone number is 571-272-6938. The examiner can normally be reached on Monday - Friday 9-5.

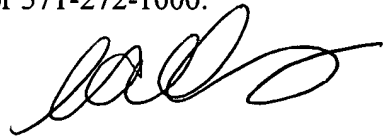
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen Lillis can be reached on 571-272-6928. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

ksj


14 July 2006



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TECHNOLOGY CENTER 3600